

### **REMARKS**

After entry of this Amendment, the pending claims are claims 1-5, 7, 8 and 12, of which claim 1 is in independent form. Claim 1 has been amended to more clearly define what Applicant regards as his invention. Claims 13, 14, 16-19 and 23 have been cancelled. The subject matter of claim 23 has been incorporated into independent claim 1. Reconsideration is respectfully requested.

### **Election/Restrictions**

The Examiner has stated that the application contains claims 13, 14 and 16-19 drawn to an invention non-elected without traverse in the response of March 5, 2003. The Examiner has requested that the Applicant cancel the nonelected claims in reply to the Office Action. Applicant has canceled claims 13, 14 and 16-19 by the amendment above.

### **Rejection under 35 U.S.C. §112**

Claims 1-5, 7, 8, 12 and 23 were rejected under 35 U.S.C. §112 for failing to comply with the written description requirement. The Examiner stated that “[a]mended claim 1 and new claim 23 include a limitation to the spring having some previously undefined ‘middle portion disposed between the top and bottom end.’” Claim 23 has been canceled and, therefore, the rejection under 35 U.S.C. §112 is moot as to claim 23. Applicant has amended claim 1 to recite “a bend positioned between the top and bottom portions.” This limitation is supported by the specification and the drawings as originally filed (see p. 4, lines 11-12, 16-17; Figs. 3 and 5).

**Rejection under 35 U.S.C. §103(a)**

Claims 1-5, 7, 8, 12 and 23 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 4,007,768 to Matsushima (“the Matsushima ‘768 patent”) in view of U.S. Patent No. 5,237,893 to Ryder et al (“the Ryder ‘893 patent”). Claim 23 has been canceled and, therefore, the rejection under 35 U.S.C. §103(a) is moot as to claim 23. Applicant has amended claim 1 to more clearly define Applicant’s invention. Claim 1 now recites “a spring wire having top and bottom portions, and a bend positioned between the top and bottom portions, wherein the bottom portion is inserted into the borehole and the top portion is inserted into the groove and has a free end, wherein the top portion projects transversely away from the central axis such that the free end of the top portion distal to the bend is further away from the central axis than any other portion of the top portion when the spring wire is unstressed.”

Applicant respectfully submits that the Matsushima ‘768 patent and the Ryder ‘893 patent do not teach or suggest all of the limitations of claim 1. Even if the spring from the Matsushima ‘768 patent was incorporated into the invention of the Ryder ‘893 patent, it would still not yield Applicant’s invention. Specifically, there is no teaching or suggestion in either the Matsushima ‘768 patent or the Ryder ‘893 patent of a spring wire with a bend between a top and bottom portion, where a free end of the top portion distal to the bend is further away from the central axis than any other portion of the top portion. Support for the additional language recited in claim 1 can be found at least on p. 4, lines 10-17 (Figs. 3 and 5) of the specification as originally filed.

As all the features recited in independent claim 1, as amended, are not taught or suggested by the Matsushima ‘768 patent and the Ryder ‘893 patent, Applicant submits that this claim is allowable over the Matsushima ‘768 patent and the Ryder ‘893 patent.

Dependent claims 2-5, 7, 8 and 12 depend from independent claim 1 and are allowable for at least the same reasons as discussed above in connection with claim 1.

Claims 1-5, 7, 8, 12 and 23 were also rejected under 35 U.S.C. §103(a) over U.S. Patent No. 1,951,652 (“the Fedotoff ‘652 patent”) in view of the Ryder ‘893 patent. Claim 23 has been canceled and, therefore, the rejection under 35 U.S.C. §103(a) is moot as to claim 23. Applicant has amended claim 1 to more clearly define Applicant’s invention. Claim 1 now recites that “the groove and the borehole are flush with one of the plurality of rounded edges or one of the plurality of concave side surfaces.”

The Fedotoff ‘652 patent does not teach or suggest a groove and borehole flush with one of a plurality of rounded edges or one of a plurality of concave side surfaces of a spindle having a substantially polygonal-shaped cross-section. Instead, the Fedotoff ‘652 patent is directed toward a plain flathead screwdriver with a slot extending down the center of the face of the blade, away from the outer portions. In fact, the Fedotoff ‘652 patent teaches away from providing a groove and borehole flush with an edge. For example, the Fedotoff ‘652 patent teaches that the slot in the blade is cut with the “principal consideration to maintain the strength and rigidity of the outer portions of the blade; and *no material is removed from the outer blade portions* by the arrangement of this invention.” (Column 2, lines 99-107 (*emphasis added*)). Accordingly, there is no likelihood of successfully creating the claimed invention by combining the teachings of the Fedotoff ‘652 and the Ryder ‘893 patents, because the Fedotoff ‘652 patent teaches away from removing material from the outer blade portions and away from providing a groove and borehole flush with an edge.

As all the features recited in independent claim 1, as amended, are not taught or suggested by the Fedotoff ‘652 patent and the Ryder ‘893 patent, Applicant submits that this claim is allowable over the Fedotoff ‘652 patent and the Ryder ‘893 patent. Dependent

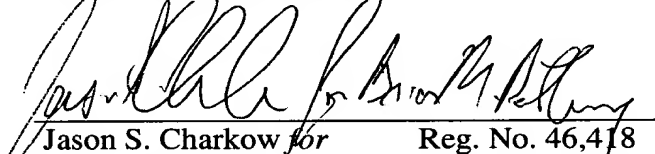
claims 2-5, 7, 8 and 12 depend from independent claims 1 and are allowable for at least the same reasons as discussed above in connection with claim 1.

In light of Applicant's amendments and remarks, a notice of allowance is respectfully requested. Should the Examiner have any questions or concerns regarding the amendments, remarks or the above-identified application, then a telephonic interview with the undersigned is respectfully requested to discuss any such questions or concerns and to accelerate the allowance of the above-identified application.

No fee is believed due for this submission. However, should any fee be required, please charge all such fees to Jones Day Deposit Account No. 50-3013.

Date: February 22, 2005

Respectfully submitted,

  
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Jason S. Charkow *for* Reg. No. 46,418  
Brian M. Rothery Reg. No. 35,340  
JONES DAY  
222 East 41<sup>st</sup> Street  
New York, New York 10017  
(212) 326-3939